

City of Cincinnati

ZDS/C 

An Ordinance No. 284

- 2016

**AUTHORIZING** the City Manager to enter into three-year labor management agreements or memoranda of understanding with the International Association of Firefighters; the Fraternal Order of Police; the American Federation of State, County and Municipal Employees; the Cincinnati Organized and Dedicated Employees; and the Cincinnati Building Trades Council to provide cost-of-living adjustments ("COLAs") and related fringe benefits; **AUTHORIZING** the transfer and appropriation of the sum of \$2,115,509 from the unappropriated surplus of the General Fund 050 to various personnel accounts of the General Fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the attached Schedule of Transfer; and further **AUTHORIZING** the transfer and appropriation of unappropriated surplus from the following Restricted Funds to various personnel accounts in said Fund for the purpose of providing resources to support COLAs and related fringe benefits in FY 2017 according to respective Funds' attached Schedule of Transfer including the following: \$712,517 from the Water Works Fund 101; \$37,865 from the Parking Systems Facilities Fund 102; \$10,792 from the General Aviation Fund 104; \$1,865 from the Municipal Golf Fund 105; \$24,454 from the Stormwater Management Fund 107; \$2,667 from the Bond Retirement Fund 151; \$145,096 from the Street Construction, Maintenance and Repair Fund 301; \$299,816 from the Income Tax – Infrastructure Fund 302; \$32,209 from the Municipal Motor Vehicle License Tax Fund 306; \$1,429 from the Sawyer Point Fund 318; \$1,516 from the Recreation Special Activities Fund 323; and \$83,815 from the Health Services Fund 395.

WHEREAS, the City and the International Association of Firefighters ("IAFF"), through their respective negotiating teams, negotiated a three-year labor agreement effective May 22, 2016; and

WHEREAS, under the recently negotiated agreement with IAFF, all employees in the Fire bargaining units will receive a 3% COLA in September 2016; and

WHEREAS, under the new agreement with IAFF, all employees in the Fire bargaining units will receive a 1% COLA effective December 4, 2016, calculated on the wage amounts that exist after the 3% COLA of September 2016; a total of a 4% COLA in July 2017, inclusive of any COLA for this period negotiated under a prior agreement; and a total of a 4% COLA in July 2018, inclusive of any COLA for this period negotiated under a prior agreement; and

WHEREAS, the City and the Fraternal Order of Police ("FOP"), through their respective negotiating teams, negotiated a three-year labor agreement on August 28, 2016; and

WHEREAS, under the pending agreement with FOP, if accepted, all employees in the Police bargaining units will receive a 1.5% COLA effective May 22, 2016, and a 2.5 % COLA effective August 14, 2016; a 4% COLA in May 2017; and a 4% COLA in May 2018; and



WHEREAS, if the pending agreement with FOP is not accepted, under a new agreement with FOP, all employees in the Police bargaining units will receive a 4% COLA effective December 4, 2016, in addition to certification pay of 1% of employees' base salaries; a 4% COLA in May 2017; and a 4% COLA in May 2018; and

WHEREAS, all employees in the bargaining units of the FOP and IAFF will receive certification pay of 1% effective January, 1, 2017, in addition to the total 4% COLA for FY 2017; and

WHEREAS, the City and the American Federation of State, County and Municipal Employees ("AFSCME"), through their respective negotiating teams, negotiated a three-year labor agreement effective August 3, 2016; and

WHEREAS, under the recently negotiated agreement with AFSCME, all employees in the AFSCME bargaining units received a 1.5% COLA effective August 14, 2016; and

WHEREAS, under the new agreement with AFSCME, all employees in the AFSCME bargaining unit will receive a 2.5% COLA effective December 4, 2016, calculated on the wage amounts that exist after the 1.5% COLA of August 2016; a total of a 4% COLA in July 2017, inclusive of any COLA for this period negotiated under a prior agreement; and a total of a 4% COLA in July 2018, inclusive of any COLA for this period negotiated under a prior agreement; and

WHEREAS, the City and the Cincinnati Organized and Dedicated Employees ("CODE"), through their respective negotiating teams, have negotiated a three-year labor agreement; and

WHEREAS, under the pending agreement with CODE, if accepted, all employees in the CODE bargaining units will receive a 1.5% COLA effective March 27, 2016; a 2.5% COLA effective March 26, 2017; and a 2.5% COLA effective March 26, 2018; and

WHEREAS, if the pending agreement with CODE is not accepted, under a new agreement with CODE, all employees in the CODE bargaining unit will receive a 4% COLA effective December 4, 2016; a 4% COLA in July 2017; and a 4% COLA in July 2018; and

WHEREAS, under a new agreement with CODE, all employees in the CODE bargaining units will receive a 2.5% COLA effective December 4, 2016, calculated on the wage amounts that exist after the 1.5% COLA of March, 2016; a 1.5% COLA in July 2017, calculated on the wage amounts that exist after the 2.5% COLA of March, 2017; and a 1.5% COLA in July 2018, calculated on the wage amounts that exist after the 2.5% COLA of March, 2018; and

WHEREAS, any arbitration award of COLAs to CODE or AFSCME as a result of the pending "Me-Too" grievance arbitration shall be contained within and not in addition to the total 4% COLA for FY 2017, and no decision in the "Me-Too" grievance arbitration shall increase the total wage adjustment beyond the 4% increase, which will be calculated on the wage amounts effective prior to any such arbitration award; and

WHEREAS, the City and the Cincinnati Building Trades Council ("Building Trades"), through their respective negotiating teams, negotiated a three-year labor agreement effective August 1, 2015; and

WHEREAS, under the current agreement with Building Trades, all employees in the Building Trades bargaining units received a 1% COLA in April 2016 and will receive a 2% COLA in November 2016; and

WHEREAS, under the new agreement with Building Trades, all employees in the Building Trades bargaining units will receive a 1% COLA effective December 4, 2016, calculated on the wage amounts that exist after the 1% COLA of April 2016 and the 2% COLA of November 2016; a total of a 4% COLA in July 2017, inclusive any COLA for this period negotiated under a prior agreement; and a 4% COLA in July 2018; and

WHEREAS, all employees in the bargaining units of CODE, AFSCME, and Building Trades will receive a 1% contractual lump sum payment for FY 2017, in addition to the total 4% COLA, effective December 4, 2016; and

WHEREAS, this ordinance has been reviewed by the City Solicitor's Office, which has determined that this legislation does not conflict with applicable state and local law, including State of Ohio collective bargaining law, and that this ordinance complies with the applicable provisions of the Cincinnati Charter; and

WHEREAS, in an FYI memo dated September 1, 2016, the City Manager stated that through managing position vacancies, reviewing all General Fund purchases and expenditures and by reviewing current revenue trends, the City Administration will provide recommendations to City Council that will support ending the fiscal year with a structurally balanced budget, and the City Manager further stated that the City Administration will recommend a structurally balanced budget for FY 2018 that incorporates all of the negotiated agreements with each bargaining unit; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to enter into three-year labor management agreements or memoranda of understanding with the International Association of Firefighters ("IAFF"), the Fraternal Order of Police ("FOP"), the American Federation of State, County and Municipal Employees ("AFSCME"), the Cincinnati Organized and Dedicated Employees ("CODE"), and the Cincinnati Building Trades Council ("Building Trades") to provide only cost of living adjustments ("COLAs").



Section 2. That pursuant to Ohio Revised Code Section 4117.10(B), Council must approve any labor management agreement negotiated and agreed to by the City Manager, and it is the desire of Council that only those agreements or memoranda of understanding that contain a total of a 4% COLA effective December 4, 2016, inclusive of any COLA for this period negotiated under a prior agreement; a total of a 4% COLA in July 2017, inclusive of any COLA for this period negotiated under a prior agreement; and a total of a 4% COLA in July 2018, inclusive of any COLA for this period negotiated under a prior agreement, will be approved.

Section 3. That it is the desire of Council that only those agreements or memoranda of understanding that contain a certification pay of 1% of employees' base salaries, effective January 1, 2017, for employees in the bargaining units of FOP and IAFF will be approved.

Section 4. That it is the desire of Council that only those agreements or memoranda of understanding that contain a 1% contractual lump sum payment, effective January 1, 2017, for employees in the bargaining units of CODE, AFSCME, and Building Trades will be approved.

Section 5. That any arbitration award of COLAs to CODE or AFSCME as a result of the pending "Me-Too" grievance arbitration shall be contained within and not in addition to the 4% COLA that goes into effect on December 4, 2016, and no decision in the "Me-Too" grievance arbitration shall increase the total wage adjustment beyond the 4% COLA, which will be calculated on the wage amounts effective prior to any such arbitration award or beyond the percentage raises provided by this ordinance for 2017 and 2018.

Section 6. That the sum of \$2,115,509 is hereby transferred and appropriated from the unappropriated surplus of the General Fund 050 to the various personnel accounts of the General Fund 050 for the purpose of providing funds to support COLAs and related fringe benefits in Fiscal Year ("FY") 2017 according to the Schedule of Transfer attached hereto.

Section 7. That the sum of \$712,517 is hereby transferred and appropriated from the unappropriated surplus of the Water Works Fund 101 to the various personnel accounts of said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

Section 8. That the sum of \$37,865 is hereby transferred and appropriated from the unappropriated surplus of the Parking Systems Facilities Fund 102 to the various personnel accounts of said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

Section 9. That the sum of \$10,792 is hereby transferred and appropriated from the unappropriated surplus of the General Aviation Fund 104 to the various personnel accounts of said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

Section 10. That the sum of \$1,865 is hereby transferred and appropriated from the unappropriated surplus of the Municipal Golf Fund 105 to the various personnel accounts of said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

Section 11. That the sum of \$24,454 is hereby transferred and appropriated from the unappropriated surplus of the Stormwater Management Fund 107 to the various personnel accounts of said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

Section 12. That the sum of \$2,667 is hereby transferred and appropriated from the unappropriated surplus of the Bond Retirement Fund 151 to the various personnel accounts of



said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

Section 13. That the sum of \$145,096 is hereby transferred and appropriated from the unappropriated surplus of the Street Construction, Maintenance and Repair Fund 301 to the various personnel accounts of said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

Section 14. That the sum of \$299,816 is hereby transferred and appropriated from the unappropriated surplus of the Income Tax – Infrastructure Fund 302 to the various personnel accounts of said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

Section 15. That the sum of \$32,209 is hereby transferred and appropriated from the unappropriated surplus of the Municipal Motor Vehicle License Tax Fund 306 to the various personnel accounts of said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

Section 16. That the sum of \$1,429 is hereby transferred and appropriated from the unappropriated surplus of the Sawyer Point Fund 318 to the various personnel accounts of said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

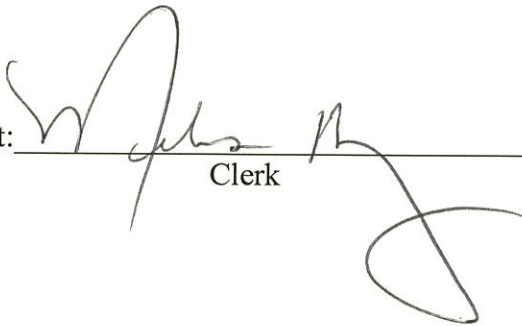
Section 17. That the sum of \$1,516 is hereby transferred and appropriated from the unappropriated surplus of the Recreation Special Activities Fund 323 to the various personnel accounts of said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

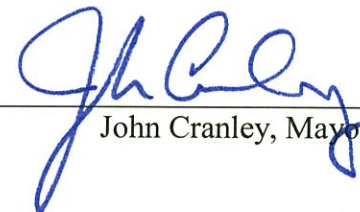
Section 18. That the sum of \$83,815 is hereby transferred and appropriated from the unappropriated surplus of the Health Services Fund 395 to the various personnel accounts of said fund for the purpose of providing funds to support COLAs and related fringe benefits in FY 2017 according to the Schedule of Transfer attached hereto.

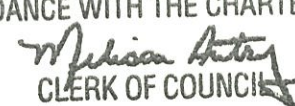
Section 19. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to implement the COLAs into the labor management agreements between the City and the IAFF, the FOP, AFSCME, CODE, and Building Trades, which have been negotiated or are currently in negotiations.

Passed: September 8, 2016

Attest:

  
Clerk

  
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE No. 284-2016  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 9-27-2016  
  
CLERK OF COUNCIL